



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: NOVEMBER 19, 2019**  
**FROM: CITY ATTORNEY      WARDS: ALL**  
**SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT**

## **ISSUE:**

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of July 1, 2019 through September 30, 2019, as provided in the outside counsel policy approved by City Council on June 16, 2015.

## **RECOMMENDATIONS:**

That the City Council receives and files the attached report.

## **BACKGROUND:**

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

## **FISCAL IMPACT:**

There is no fiscal impact at this time.

Prepared by: Gary G. Geuss  
City Attorney

*Attachment: Outside Counsel Expenditure Report*

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**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH SEPTEMBER 30, 2019**

| LAW FIRM                 | MATTER/CASE NAME                                    | BRIEF DESCRIPTION      |                |                           | EXPENDITURES     |                     | BALANCE |
|--------------------------|---|------------------------|----------------|---------------------------|------------------|---------------------|---------|
|                          |   |                        | Funding Source | Authorized Spending Limit | 7/1/19 - 9/30/19 | TOTAL AS OF 9/30/19 |         |
|                          |   |                        |                |                           |                  |                     |         |
| <b>ALSTON BIRD</b>       |   |                        |                |                           |                  |                     |         |
|                          | <i>Public Watchdogs v CA State Lands Commission</i> | CEQA Lawsuit           | 520            | 5,000                     | -                | -                   | 5,000   |
| <b>Subtotal</b>          |   |                        |                |                           |                  |                     |         |
|                          |   |                        |                |                           |                  |                     |         |
| <b>BAKER HOSTETLER</b>   |   |                        |                |                           |                  |                     |         |
|                          | <i>Cyber Security Breach</i>                        | Prevention/Advice      | 510            | 20,000                    | -                | 2,375               | 17,625  |
|                          | <i>Business Tax Security</i>                        | Prevention/Advice      | 630            | 4,000                     | -                | 1,838               | 2,162   |
| <b>Subtotal</b>          |   |                        |                |                           |                  |                     |         |
|                          |   |                        |                |                           |                  |                     |         |
| <b>BUCHALTER</b>         |   |                        |                |                           |                  |                     |         |
|                          | <i>SCE/CPC Application*</i>                         | RTRP                   | 520            | 410,000                   | 150,578          | 312,440             | 97,560  |
|                          | <i>CPUC Rulemaking</i>                              | PSPS                   | 520            | 60,000                    | -                | 0                   | 60,000  |
| <b>Subtotal</b>          |   |                        |                |                           | <b>150,578</b>   |                     |         |
|                          |   |                        |                |                           |                  |                     |         |
| <b>BEST BEST KRIEGER</b> |   |                        |                |                           |                  |                     |         |
|                          | <i>General Advice</i>                               | Miscellaneous          | 101            | 25,000                    | -                | 14,987              | 10,013  |
|                          | <i>General Advice</i>                               | RPU                    | 101            | 13,000                    | -                | 5,918               | 7,082   |
|                          | <i>RTRP/CPUC</i>                                    | Advice                 | 510            | 16,455                    | -                | 8,326               | 8,129   |
|                          | <i>City v DOF</i>                                   | Anticipated litigation | 630            | 65,000                    | 90               | 58,514              | 6,486   |
|                          | <i>Riverwalk CSD Foreclosure</i>                    | Collection             | 101            | 10,000                    | -                | 2,645               | 7,355   |
|                          | <i>Gage Canal</i>                                   | Advisory               | 101            | 20,000                    | 1,936            | 17,405              | 2,595   |
|                          | <i>General Advice</i>                               | HR/401(a) Advisory     | 101            | 3,000                     | 2,900            | 2,900               | 100     |
|                          | <i>Live Nation/Fox Theatre</i>                      | Advisory               | 101            | 5,000                     | -                | -                   | 5,000   |
| <b>Subtotal</b>          |   |                        |                |                           | <b>4,926</b>     |                     |         |
|                          |   |                        |                |                           |                  |                     |         |

**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH SEPTEMBER 30, 2019**

| LAW FIRM                                 | MATTER/CASE NAME  | BRIEF DESCRIPTION                               |                |                           | EXPENDITURES     |                     | BALANCE |
|--|---|---|----------------|---------------------------|------------------|---------------------|---------|
|  |   |   | Funding Source | Authorized Spending Limit | 7/1/19 - 9/30/19 | TOTAL AS OF 9/30/19 |         |
| <b>BLAISDELL, CHURCH &amp; JOHNSON</b>   |   |   |                |                           |                  |                     |         |
|  | <i>Bond Counsel*</i>  | IPP Generation Plant                            | 510            | 5,000                     | 1,000            | 1,000               | 4,000   |
| <b>Subtotal</b>                          |   |   |                |                           | <b>1,000</b>     |                     |         |
|  |   |   |                |                           |                  |                     |         |
| <b>CHAPMAN AND CUTLER</b>                |   |   |                |                           |                  |                     |         |
|  | <i>Bond Counsel*</i>  |   |                |                           |                  |                     |         |
|  |   |   |                |                           |                  |                     |         |
| <b>COLANTUONO HIGSMITH &amp; WHATLEY</b> |   |   |                |                           |                  |                     |         |
|  | <i>General matters</i>  | Prop 218 and conflicts advice                   | 520            | 40,400                    | -                | 36,704              | 3,696   |
|  | <i>General Advice</i>   | CAO   | 101            | 15,000                    | -                | 13,771              | 1,229   |
|  | <i>General/RPU**</i>  | Electric & Water Cost Service Study             | 520            | 25,000                    | -                | 65                  | 24,935  |
|  | <i>Parada II v City</i>   | GFT Challenge/Litigation                        | 101            | 162,500                   | 24,961           | 89,380              | 73,120  |
|  | <i>Bailey, William R. v City***</i>                                   | Litigation Initiated by Mayor                   | 101            | 288,000                   | 19,685           | 279,766             | 8,234   |
|  | <i>Clymer, R. Ben v City</i>  | Challenge to Russo Contract                     | 101            | 155,000                   | 6,572            | 113,953             | 41,047  |
|  | <i>Nunez, J. v City</i>   | Claim   | 101            | 25,000                    | -                | 1,570               | 23,430  |
| <b>Subtotal</b>                          |   |   |                |                           | <b>51,218</b>    |                     |         |
|  |   |   |                |                           |                  |                     |         |
| <b>CONSTANTINE CANNON</b>                |   |   |                |                           |                  |                     |         |
|  | <i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i> | Litigation re wireless cell service/contingency |                | -                         | -                | -                   | -       |
| <b>Subtotal</b>                          |   |   |                |                           |                  |                     |         |
|  |   |   |                |                           |                  |                     |         |
| <b>COTCHETT PITRE &amp; McCARTHY</b>     |   |   |                |                           |                  |                     |         |
|  | <i>Bond Derivative Litigation</i>                                     | Contingency*                                    |                | -                         | -                | -                   | -       |
| <b>Subtotal</b>                          |   |   |                |                           |                  |                     |         |
|  |   |   |                |                           |                  |                     |         |

**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH SEPTEMBER 30, 2019**

| LAW FIRM                        | MATTER/CASE NAME                                       | BRIEF DESCRIPTION             |                |                           | EXPENDITURES     |                     | BALANCE |
|---------------------------------|--|-------------------------------|----------------|---------------------------|------------------|---------------------|---------|
|                                 |  |                               | Funding Source | Authorized Spending Limit | 7/1/19 - 9/30/19 | TOTAL AS OF 9/30/19 |         |
| ELLISON SCHNEIDER               |  |                               |                |                           |                  |                     |         |
|                                 | 1969 Judgment  | Bunker Hill Basin             | 510            | 15,000                    | -                | -                   | 15,000  |
| Subtotal                        |  |                               |                |                           |                  |                     |         |
|                                 |  |                               |                |                           |                  |                     |         |
| GREINES MARTIN STEIN & RICHLAND |  |                               |                |                           |                  |                     |         |
|                                 | <i>Clymer v City</i>                                   | Challenge to Russo Contract   | 630            | 75,000                    | 50,254           | 51,021              | 23,979  |
|                                 | <i>Corona, Amador v City</i>                           | Appellate advice              | 630            | 45,000                    | -                | 32,356              | 12,644  |
|                                 | <i>Easley, Michael v. City**</i>                       | Federal civil rights action   | 630            | 137,695                   | 325              | 117,235             | 20,460  |
|                                 | <i>Brokaw, Dennis v City</i>                           | Appellate advice              | 630            | 3,500                     | -                | 2,233               | 1,267   |
|                                 | <i>Nichols, Raymond v City</i>                         | Federal civil rights action   | 630            | 66,962                    | 13,865           | 80,522              | 13,560  |
| Subtotal                        |  |                               |                |                           | 64,444           |                     |         |
|                                 |  |                               |                |                           |                  |                     |         |
| JONES HALL                      |  |                               |                |                           |                  |                     |         |
|                                 | <i>Bond Counsel*</i>                                   | SIFMA                         |                | 40,000                    | -                | -                   | 40,000  |
|                                 | <i>Bond Counsel*</i>                                   | Electric and Water Bonds 2018 |                | 45,000                    | -                | -                   | 45,000  |
|                                 | <i>Bond Counsel*</i>                                   | 2019 Electric & Water Bonds   |                | 90,000                    | -                | -                   | 90,000  |
| Subtotal                        |  |                               |                |                           |                  |                     |         |
|                                 |  |                               |                |                           |                  |                     |         |
| LEWIS BRISBOIS BISGAARD & SMITH |  |                               |                |                           |                  |                     |         |
|                                 | <i>Easley, Michael v City**</i>                        | Civil rights litigation       | 630            | 406,500                   | 1,472            | 324,233             | 82,267  |
|                                 | <i>Friends of Riverside Airport v Dept of the Army</i> | CEQA Litigation/Environmental | 630            | 35,000                    | -                | -                   | 35,000  |
| Subtotal                        |  |                               |                |                           | 1,472            |                     |         |
|                                 |  |                               |                |                           |                  |                     |         |

**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH SEPTEMBER 30, 2019**

| LAW FIRM                          | MATTER/CASE NAME                             | BRIEF DESCRIPTION                   |                |                           | EXPENDITURES     |                     | BALANCE |
|-----------------------------------|--|-------------------------------------|----------------|---------------------------|------------------|---------------------|---------|
|                                   |  |                                     | Funding Source | Authorized Spending Limit | 7/1/19 - 9/30/19 | TOTAL AS OF 9/30/19 |         |
| <b>LIEBERT CASSIDY WHITMORE</b>   |  |                                     |                |                           |                  |                     |         |
|                                   | <i>RFA/Fenske v City</i>                     | Employment/Labor                    | 101            | 125,000                   | -                | 45,210              | 79,790  |
|                                   | <i>General Advice</i>                        | Misc                                | 101            | 1,000                     | -                | 447                 | 553     |
| <b>Subtotal</b>                   |  |                                     |                |                           |                  |                     |         |
|                                   |  |                                     |                |                           |                  |                     |         |
| <b>MEYERS NAVE</b>                |  |                                     |                |                           |                  |                     |         |
|                                   | <i>Machowski v Bird Rides</i>                | ADA Complaint                       | 630            | 225,000                   | 88,977           | 131,052             | 93,948  |
| <b>Subtotal</b>                   |  |                                     |                |                           | <b>88,977</b>    |                     |         |
|                                   |  |                                     |                |                           |                  |                     |         |
| <b>MILLER AXLINE &amp; SAWYER</b> |  |                                     |                |                           |                  |                     |         |
|                                   | <i>TCP Contaminataion</i>                    | Advisory/contingency*               |                |                           |                  |                     |         |
|                                   | <i>City v Black &amp; Decker (U.S), Inc.</i> | Perchlorate litigation/contingency* |                |                           |                  |                     |         |
|                                   |  |                                     |                |                           |                  |                     |         |
| <b>MURPHY &amp; EVERTZ</b>        |  |                                     |                |                           |                  |                     |         |
|                                   | <i>SBCTA v City</i>                          | Condemnation                        |                | 100,000                   | -                | 8,256               | 91,744  |
| <b>Subtotal</b>                   |  |                                     |                |                           |                  |                     |         |
|                                   |  |                                     |                |                           |                  |                     |         |
| <b>SMITH LAW OFFICES</b>          |  |                                     |                |                           |                  |                     |         |
|                                   | <i>Amicone, Lorraine v City</i>              | Employment Litigation               | 630            | 170,200                   | 1,740            | 24,285              | 145,715 |
|                                   | <i>Clymer v City</i>                         | Challenge to Russo Contract         | 630            | 75,000                    | 3,918            | 10,056              | 64,944  |
|                                   | <i>Louis, Jean-Louis v City</i>              | Civil rights litigation             | 630            | 176,000                   | -                | 16,330              | 159,670 |
|                                   | <i>Nichols, Raymond v City</i>               | Civil rights litigation             | 630            | 120,000                   | -                | 48,229              | 71,771  |
| <b>Subtotal</b>                   |  |                                     |                |                           | <b>5,658</b>     |                     |         |
|                                   |  |                                     |                |                           |                  |                     |         |

**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH SEPTEMBER 30, 2019**

| LAW FIRM                                   | MATTER/CASE NAME                     | BRIEF DESCRIPTION             |                |                           | EXPENDITURES     |                     | BALANCE |
|--|--------------------------------------|-------------------------------|----------------|---------------------------|------------------|---------------------|---------|
|  |                                      |                               | Funding Source | Authorized Spending Limit | 7/1/19 - 9/30/19 | TOTAL AS OF 9/30/19 |         |
| <b>STRADLING YOCCA CARLSON &amp; RAUTH</b> |                                      |                               |                |                           |                  |                     |         |
|  | <i>Bond Counsel</i>                  | 2006 Lease Revenue (Galleria) |                | 55,000                    |                  | -                   | 55,000  |
|  | <i>Bond Counsel</i>                  | 2018 Sewer Revenue Bonds      |                | 65,000                    |                  | -                   | 65,000  |
|  | <i>Bond Counsel</i>                  | 2019 Electric and Water Bonds |                | 140,000                   |                  | -                   | 140,000 |
|  | <i>Bond Counsel</i>                  | Debt Disclosure Reports       |                | 15,000                    |                  | -                   | 15,000  |
|  | <i>Bond Counsel</i>                  | CFDs and Assessment Districts |                | 15,000                    |                  | -                   |         |
|  | <i>Bond Counsel</i>                  | 2015A Sewer Revenue Bonds     |                | 10,000                    |                  | -                   | 10,000  |
| <b>Subtotal</b>                            |                                      |                               |                |                           |                  |                     |         |
|  |                                      |                               |                |                           |                  |                     |         |
| <b>THINK LEGAL360</b>                      |                                      |                               |                |                           |                  |                     |         |
|  | <i>Harris, Bobby v. City</i>         | Employment Litigation         | 630            | 270,000                   | 3,426            | 152,951             | 117,049 |
| <b>Subtotal</b>                            |                                      |                               |                |                           | <b>3,426</b>     |                     |         |
|  |                                      |                               |                |                           |                  |                     |         |
| <b>THOMPSON COBURN</b>                     |                                      |                               |                |                           |                  |                     |         |
|  | <i>FERC**</i>                        | Regulatory                    | 510            | 637,000                   | 278,368          | 636,317             | 683     |
|  | <i>LADWP Transmission Agreements</i> | Potential Extension           | 510            | 25,000                    | -                | -                   | 25,000  |
| <b>Subtotal</b>                            |                                      |                               |                |                           | <b>278,368</b>   |                     |         |
|  |                                      |                               |                |                           |                  |                     |         |
| <b>TOTAL</b>                               |                                      |                               |                |                           | <b>650,067</b>   |                     |         |
|  |                                      |                               |                |                           |                  |                     |         |

**OUTSIDE COUNSEL EXPENDITURE REPORT  
THROUGH SEPTEMBER 30, 2019**

| LAW FIRM  | MATTER/CASE NAME                              | BRIEF DESCRIPTION                                    |                |                           | EXPENDITURES     |                     | BALANCE |
|---|---|--|----------------|---------------------------|------------------|---------------------|---------|
|   |   |  | Funding Source | Authorized Spending Limit | 7/1/19 - 9/30/19 | TOTAL AS OF 9/30/19 |         |
|   |   |  |                |                           |                  |                     |         |
| <i>Note: Plaintiff's Case - Outside Counsel Retained for Recovery</i> |   |  |                |                           |                  |                     |         |
| <b>BURKE WILLIAMS SORENSEN</b>  |   |  |                |                           |                  |                     |         |
|   | <i>City v. Jurupa/Rubidoux CSD, et al. **</i> | Recovering contribution obligation for RWQCP project | 550            | 4,782,326                 | 4,744            | <b>4,004,203</b>    | 778,123 |
|   |   |  |                |                           |                  |                     |         |

***Please note:***

- (1) Some totals may include costs
- (2) Items shaded in blue are closed
- (3)\*Contingency bond counsel payments are per individual bond transactions or recovery received
- (4)\*\*Change order issued/adjustment; amount increased for current FY
- (5)\*\*\*Litigation initiated by Mayor